

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL LONG, a single man,

Plaintiff,

vs.

CITY OF SEATTLE, a Washington City,
SEATTLE SECURITY INC., a
Washington Corporation, BELLTOWN
ENTERPRISES LLC, dba CLUB
MEDUSA, and JOHN DOE OFFICERS 1-
4 and JANE DOE OFFICERS 1-4, and the
marital communities composed thereof,

Defendants.

No.

COMPLAINT FOR DAMAGES

Plaintiff, Michael Long, a single man, by and through his attorney, D. Michael
Tomkins, alleges the following:

1. Jurisdiction and Venue

The incidents, which are the subject of this Complaint for Damages, occurred on or
about August 21, 2004, at a parking lot adjacent to Club Medusa, a nightclub located at or near

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1 the 2200 block of Western Avenue, Seattle, King County, Washington. This Court has
2 jurisdiction over the subject matter hereof and parties hereto. Venue is proper in United States
3 District Court, Western District of Washington, at Seattle, pursuant to 28 U.S.C. § 1391 and
4 the above-named Court has jurisdiction pursuant to 28 U.S.C. § 1331.

5 **2. Parties**

6 At all times material hereto, Plaintiff Michael Long was a single man, residing in King
7 County, Washington.

8 At all times material hereto, Defendant City of Seattle, was a municipality who hired,
9 trained, and supervised four police officers who were involved in the events made the subject
10 of this lawsuit.

11 At all times material hereto, Defendant Belltown Enterprises LLC was a Washington
12 Limited Liability Company, doing business as Club Medusa.

13 At all times material hereto, Seattle Security Inc. was a Washington Corporation, and
14 provided police services as an independent contractor of the defendant Belltown Enterprises
15 LLC.

16 At all times material hereto, Defendants John Doe Officers 1-4 were acting for the
17 benefit of their marital communities. All liabilities of Defendants John Doe Officers 1-4 are,
18 in addition, liabilities of the marital communities comprised of themselves and Jane Doe
19 Officers 1-4.

20 All liabilities of Defendants John Doe Officers 1-4 are in addition the liabilities of
21 Defendant City of Seattle pursuant to the doctrine of *respondeat superior*.
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1 **3. Facts of Incidents Giving Rise to Complaint for Damages**

2 On or about Monday, August 21, 2004, at approximately 3:00 a.m, Plaintiff was in a
3 parking lot at Club Medusa.

4 John Doe Officers 1-4 were present at the scene as employees of Seattle Security Inc.,
5 hired by Belltown Enterprises LLC to provide security for Club Medusa and the surrounding
6 areas, in spite of a prohibition against off-duty officers working at establishments that sell
7 liquor.

8 Plaintiff and Leroy Cummings engaged in a loud, long, heated argument in the parking
9 lot next to Club Medusa in full view and hearing of John Doe Officers 1-4.

10 Leroy Cummings shot Plaintiff with a handgun, and the shot further traveled through
11 Plaintiff into the body of another man nearby.

12 Plaintiff is now permanently disabled and a paraplegic as a result of this shooting.

13
14 **4. Liability and Damages**

15 A. First Cause of Action: Negligence

16 Defendants John Doe Officers 1-4 had a duty to perform police duties, in spite of being
17 hired in an off-duty private capacity, and would have had such duty even if they were not in
18 uniform. Defendants John Doe Officers 1-4 breached that duty when they observed the loud,
19 long, heated argument between Plaintiff and Leroy Cummings, which included threats of
20 violence, were in a position to prevent such violence, and failed to take any action to prevent
21 such violence, thereby creating the hazardous condition that led to Plaintiff's damages.

1
2 This failure to act caused and proximately caused severe damages to Plaintiff,
3 including physical pain, suffering, and permanent disability as well as emotional distress and
4 anxiety, all of which has resulted in general damages for pain and suffering in an amount to be
5 proven at time of trial and medical expenses which are ongoing. Plaintiff sustained a gunshot
6 wound, permanent paralysis, and other injuries.

7 Defendants Belltown Enterprises LLC, Seattle Security Inc., and the City of Seattle are
8 therefore vicariously liable for this negligence by virtue of the doctrine of respondeat superior.
9

10 B. Second Cause of Action: Violation of Title 42 U.S.C. §1983

11 Defendants John Does 1-4 wrongfully deprived Plaintiff of his federally guaranteed
12 Constitutional and other legal rights in violation of 42 U.S.C. § 1983 by actions, including, but
13 not limited to, failing to police in a dangerous situation and creating the hazard that resulted in
14 Plaintiff's shooting. As a direct and proximate result of Defendants' deprivation of Plaintiff's
15 federally guaranteed Constitutional and other legal rights, Plaintiff sustained injuries thereby
16 resulting in physical pain, suffering, and permanent disability as well as emotional distress and
17 anxiety, all of which has resulted in general damages for pain and suffering in an amount to be
18 proven at time of trial and medical expenses which are ongoing. Plaintiff sustained a gunshot
19 wound, permanent paralysis, and other injuries.
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1 C. Second Cause of Action: Negligent Hiring, Supervision, and Retention

2 Plaintiff, upon information and belief, alleges that Defendant City of Seattle failed to
3 adequately enforce its own regulations concerning the work of off-duty officers. Plaintiff
4 believes Defendants John Doe Officers 1-4 conducted themselves in inappropriate fashion in
5 the past, violating standards promulgated by their employers, the City of Seattle and Seattle
6 Security Inc., and that the City of Seattle knew or should have known of the Defendants'
7 continued unlawful conduct.

8 Plaintiff further alleges that Defendant City of Seattle failed to reprimand, sanction, or
9 in any way, appropriately supervise and rectify the unlawful conduct of Defendants John Doe
10 Officers 1-4, or to adequately confirm that Defendant Seattle Security Inc. was an actual
11 Washington Corporation. Had Defendant King County properly supervised Defendants John
12 Doe Officers 1-4, it would have determined that Defendants were unsuitable for police work
13 and should have taken steps to rectify their unlawful conduct, including, but not limited to,
14 discharging them from the police force. Had Defendant King County not negligently
15 supervised and retained Defendants John Doe Officers 1-4, and had it enforced its own
16 regulations concerning off-duty officers, Plaintiff would not have suffered injuries resulting in
17 physical pain, suffering, and permanent disability as well as emotional distress and anxiety, all
18 of which has resulted in general damages for pain and suffering in an amount to be proven at
19 time of trial and medical expenses which are ongoing.

Prayer for Relief

Wherefore, Plaintiff Michael Long prays for judgment against Defendants and each of them and all of them as follows:

1. For an Order of the Court for general damages for physical pain and suffering and emotional distress and anxiety, past, present, and future;
2. For an Order of the Court for special damages of past, present, and future medical care and treatment;
3. For an Order of the Court for reasonable attorney fees pursuant to 42 U.S.C. § 1983 and other applicable law;
4. For an Order of the Court for punitive damages pursuant to 42 U.S.C. § 1983 and other applicable federal and state law;
5. For an Order of the Court for costs and disbursements to be taxed herein; and,
6. For such other and further relief as the Court may deem just and equitable.

Dated this _____ day of October, 2005.

/s/

D. Michael Tomkins, WSBA #4979
Attorney for Plaintiff